

Sanford Jay Rosen, State Bar No. 62566
Maria V. Morris, State Bar No. 223903
Lori E. Rifkin, State Bar No. 244081
ROSEN, BIEN & GALVAN, LLP
315 Montgomery Street, Tenth Floor
San Francisco, CA 94104
Telephone: (415) 433-6830
Facsimile: (415) 433-7104
srosen@rbg-law.com

[Additional Counsel Listed on Following Page]

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

CLAUDE BRYANT, CRAIG FULCHER,
SANFORD LEVINE and THOMAS
THOMPSON,
on behalf of themselves
and all employees similarly situated,

Plaintiffs,

- vs -

ALDERWOODS GROUP, INC., PAUL A.
HOUSTON, SERVICE CORPORATION
INTERNATIONAL, SCI FUNERAL AND
CEMETERY PURCHASING
COOPERATIVE, INC., SCI EASTERN
MARKET SUPPORT CENTER, L.P., SCI
WESTERN MARKET SUPPORT CENTER,
L.P. a/k/a SCI WESTERN MARKET
SUPPORT CENTER, INC., SCI HOUSTON
MARKET SUPPORT CENTER, L.P., and
JOHN DOES 1-3,

Defendants.

Case No. CV 07-5696 SI

**DECLARATION OF ANNETTE
GIFFORD IN SUPPORT OF
PLAINTIFFS' ADMINISTRATIVE
MOTION TO CONTINUE CASE
MANAGEMENT CONFERENCE**

1 Additional Attorneys for Plaintiffs, who will
2 submit applications for admission *pro hac vice*:

3 J. Nelson Thomas, NY Attorney No. 2579159
4 Patrick J. Solomon, NY Attorney No. 2716660
5 Michael J. Lingle, NY Attorney No. 3925765
6 Annette Gifford, NY Attorney No. 4105870
7 Justin Cordello, NY Attorney No. 4131447
8 DOLIN, THOMAS & SOLOMON LLP
9 693 East Avenue
10 Rochester, NY 14607
11 Telephone: (585) 272-0540
12 Facsimile: (585) 272-0574
13 nthomas@theemploymentattorneys.com

14 Charles H. Saul, PA State-Bar No. 19938
15 Liberty J. Weyandt, PA State Bar No. 87654
16 Kyle T. McGee, PA State Bar No. 205661
17 MARGOLIS EDELSTEIN
18 525 William Penn Place
19 Suite 3300
20 Pittsburgh, PA 15219
21 Telephone: (412) 281-4256
22 Facsimile: (412) 642-2380
23 csaul@margolisedelstein.com
24
25
26
27
28

1 I, Annette Gifford, under penalty of perjury, declare:

2 1. I am associated with the law firm Dolin, Thomas & Solomon LLP, lead
3 counsel for Plaintiffs in this action, and, as such, I am fully familiar with the facts and
4 circumstances giving rise to this motion. I submit this Declaration in support of Plaintiffs'
5 Administrative Motion to Continue Case Management Conference. The facts contained
6 herein are based upon my own personal knowledge, and if called to do so, I could and
7 would competently testify to their truth.

8 2. This Court has previously ruled that the instant action ("*Bryant I*") is related
9 to two other pending actions, *Helm, et al. v. Alderwoods Group, Inc., et al.*, Case No. 08-
10 1184-SI ("*Helm*") and *Bryant, et al. v. Service Corporation International, et al.*, Case No.
11 08-1190-SI ("*Bryant II*"). See *Bryant I*, Docket Nos. 35 and 38.

12 3. Currently, a case management conference in the instant action is scheduled
13 for Monday, April 7, 2008 (the "Conference"). See *Bryant I*, Docket No. 39.

14 4. On March 18, 2008, this Court issued an Order to Show Cause indicating
15 that the Court intends to consider at the Conference the issue of whether any of the three
16 related matters should be transferred to the Western District of Pennsylvania. See *Bryant I*,
17 Docket No. 37; *Bryant II*, Docket No. 32.

18 5. Plaintiffs timely filed motions to remand both the *Helm* and the *Bryant II*
19 matters to state court and those motions are currently scheduled to be heard on May 9,
20 2008. See *Helm*, Docket No. 43; *Bryant I*, Docket No. 34.

21 6. Plaintiffs' counsel attempted to obtain a stipulation to an extension of time to
22 respond to Defendants' Motions during a telephone conference on March 26, 2008.
23 During that telephone conference, counsel for defendants stated that defendants would
24 object to plaintiffs' request.

25 7. Plaintiffs believe that it would be an inefficient use of judicial resources to
26 conduct the Conference prior to a determination regarding plaintiffs' pending motions for
27 remand.

28

Executed this 27th day of March, 2008 in Rochester, New York.

Annette Gifford